

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

**E.H.,**

Plaintiff,

**v.**

**CIVIL ACTION NO. 2:19-CV-42  
(BAILEY)**

**NEWTON E. HIGGINBOTHAM, III,**

Defendant.

**FIRST ORDER AND NOTICE REGARDING  
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of Civil Procedure ("L.R. Civ. P.") 16.01 and 26.01, it is hereby **ORDERED** that:

- |   |  |
|---|--|
| <b>1. <u>Initial Planning Meeting</u></b><br><b><u>On or before: November 8, 2019</u></b> | <b>3. <u>Initial Disclosures</u></b><br><b><u>On or before: December 6, 2019</u></b> |
| <b>2. <u>Meeting Report</u></b><br><b><u>On or before: November 22, 2019</u></b>          | <b>4. <u>Scheduling Conference:</u></b><br><b><u>If necessary</u></b>                |

(1) **Initial Planning Meeting**: Pursuant to Fed. R. Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b), parties to this action shall meet in person or by telephone on or before **November 8, 2019**. At this meeting, the parties shall discuss all matters required by Fed. R. Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan**: Pursuant to Fed. R. Civ. P. 26(f) and L.R. Civ. P. 16.01(c), the parties shall submit to this Court a **written report** on the results of the initial discovery meeting **and a completed Scheduling Order Checklist** (see attached) on or before **November 22, 2019**. The written report shall include the parties' report on those matters set forth in L.R. Civ. P. 16.01(b)(1-5) and 16.01(c) and the

parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and L.R. Civ. P. 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

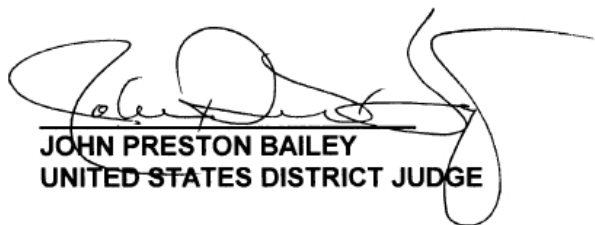
(3) **Initial Discovery Disclosures**: Pursuant to Fed. R. Civ. P. 26(a)(1) and L.R. Civ. P. 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before **December 6, 2019**.

(4) **Telephonic Scheduling Conference**: Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not necessary, no conference will be scheduled and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein, along with copies of this Court's Scheduling Order Checklist.

**DATED**: October 9, 2019.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

\_\_\_\_\_  
Plaintiff(s),

v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant(s).

**SCHEDULING ORDER CHECKLIST**

ATTORNEYS

1. INTERMEDIATE PRETRIAL CONFERENCE

\_\_\_\_\_

2. MEDIATION Before -

\_\_\_\_\_

3. JOINDER AND AMENDMENTS

\_\_\_\_\_

4. EXPERT DISCLOSURE

a. With Burden

\_\_\_\_\_

b. Without Burden

\_\_\_\_\_

5. EXAMINATION/INSPECTIONS

\_\_\_\_\_

6. DISCOVERY COMPLETION

\_\_\_\_\_

7. DISPOSITIVE MOTIONS

\_\_\_\_\_

\_\_\_\_\_ Responses

\_\_\_\_\_ Replies

8. PRETRIAL DISCLOSURES, FED R. CIV PRO 26(a) 3

\_\_\_\_\_

a. Objections \_\_\_\_\_

9. JURY INSTRUCTIONS, VOIR DIRE and VERDICT FORMS

\_\_\_\_\_

a. Objections \_\_\_\_\_

10. MOTIONS IN LIMINE

\_\_\_\_\_

a. Objections \_\_\_\_\_

11. BIOGRAPHICAL SKETCHES

12. JOINT FINAL PRETRIAL CONFERENCE ORDER

\_\_\_\_\_

13. FINAL PRETRIAL CONFERENCE \_\_\_\_\_

14. Trial \_\_\_\_\_

(If non-jury trial, Proposed Findings of Fact  
and Conclusions of Law are to be filed with Court  
and opposing counsel \_\_\_\_\_)